

**MINUTES**  
**Montana Fish, Wildlife & Parks Commission Meeting**  
**Helena Headquarters**  
**Helena, MT**  
**AUGUST 3, 2006**

**Commission Members Present:** Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton; Vic Workman.

**Fish, Wildlife & Parks Staff Present:** Jeff Hagener, Director, and FWP Staff.

**Guests:** See August 3, 2006 Commission file folder.

**Topics of Discussion:**

- 1. Opening - Pledge of Allegiance**
- 2. Approval of July 13, 2006 Commission Minutes**
- 3. Approval of Commission Conference Call - #1 - July 24, 2006**
- 4. Approval of Commission Conference Call - #2 - July 24, 2006**
- 5. Approval of Commission Conference Call - #3 - July 28, 2006**
- 6. Approval of Commission Expenses through July 31, 2006**
- 7. Closure of the Clark Fork and Blackfoot rivers near Milltown Dam - Final**
- 8. Bearmouth Fishing Access Site – Region 2 - Final**
- 9. Delegation of Authority to Close Waters Affected by Drought for Fishing - Final**
- 10. 2007 Fishing Regulations – Tentative**
- 11. Bison Regulations and Quotas – Final**
- 12. Montana Wildlife Federation Petition to Regulate ATV Use for Hunting - Tentative**
- 13. 2006 Antelope Quotas - Final**
- 14. 2006/2007 Furbearer Regulations and Quotas – Final**
- 15. Early Season Migratory Bird Regulations - Final**
- 16. 2006/2007 Late Season Waterfowl Seasons/Closures – Tentative**
- 17. Confederated Salish and Kootenai Tribes Upland Game Bird Regulations -Final**
- 18. Selection of Organization to Auction Moose, Sheep, Goat, Deer & Elk Licenses – Final**
- 19. Bison Quarantine Facility Lease - Final**
- 20. Access Corridors in Region 3 and Region 7 - Endorsement**
- 21. Public Opportunity to Address Issues Not Discussed at this Meeting**

**1. Opening - Pledge of Allegiance.** Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

**2. Approval of July 13, 2006 Commission Minutes.**

*Action: Colton moved and Workman seconded the motion to approve the minutes of the July 13, 2006 Commission meeting. Motion carried.*

3. **Approval of Commission Conference Call of July 24, 2006 - Morning.**
4. **Approval of Commission Conference Call of July 24, 2006 - Afternoon.**
5. **Approval of Commission Conference Call of July 28, 2006.**

*Action: Brenden moved and Workman seconded the motion to approve the minutes of the July 24, 2006 morning Commission conference call meeting, the July 24, 2006 afternoon Commission conference call meeting, and the July 28, 2006 Commission conference call meeting. Motion carried*

6. **Approval of Commission Expenses through July 31, 2006.**

*Action: Colton moved and Mulligan seconded the motion to approve the Commission expenses as presented. Motion carried.*

7. **Closure of the Clark Fork and Blackfoot Rivers near Milltown Dam – Final.** Chris Hunter, FWP Fisheries Division Administrator, introduced Pat Saffel, FWP Region 2 Fish Manager, who briefed the Commission on the Milltown Dam superfund restoration construction project on the Clark Fork and Blackfoot Rivers. Construction is scheduled to begin September 1, 2006, and is expected to last until the spring of 2011. The construction site includes the Clark Fork River from about ½ mile below Milltown Dam to about 3 miles upstream, and the lower portion of the Blackfoot where several bridges cross the river. The closure applies to landowners as well as the general public.

The purpose of the closure, although these areas are not heavily used, is to provide public safety, as well as to protect restoration efforts. Construction activities, rapid changes in water levels, and floating debris can present hazardous conditions to recreationists. Failure to abide by the closures could result in trespass violations or rule violations.

Signage would be posted at key points, and may include some form of the following verbiage:

*Warning, river is closed XX (miles or feet) below this point.*

*The next public access point is XX miles downstream and is the last takeout before the closure.*

*This is the last developed public access point upstream of the river closure.*

*Loading of watercraft at this point is advised.*

*Dam removal construction and rapid river level changes can be dangerous to river users.*

*Stop - river closed beyond this point.*

*Warning - last takeout before river closure.*

Saffel explained that this construction project has been discussed for some time. FWP has talked with local groups to provide information, and it has been in the newspapers. Saffel said the construction schedule is flexible and construction may occur during the winter months if the weather permits.

*Action: Colton moved and Mulligan seconded the motion to close the Clark Fork River from approximately ½ mile below Milltown Dam to about 3 miles upstream, and to close the Blackfoot River from its mouth to 1-½ miles upstream. Some closure would be required from September 1, 2006 through June 1, 2011.*

Mulligan and Doherty agree with closing the rivers, but do not entirely support the idea of closing the riverbanks to recreation.

Workman suggested posting warning signs rather than closing the area. Saffel said the EPA and Envirocon want the area closed due to liability concerns, and are in fact deliberating whether or not to put up fencing. Colton recommended cooperating with the closure for safety purposes. Brenden stated that flexibility is critical.

Bob Lane, FWP Legal Counsel, stated that the Commission does indeed have the authority to close rivers to recreational use. Liability issues exist in this project and must be addressed.

Chairman Doherty asked for public comment.

Don Felton, Missoula – is bothered by the long duration of the closure. He lives near the river and enjoys walking from his house to go fishing. This part of the river is not used much - the people who use this area are primarily private landowners from the area.

Saffel reiterated the dangers of being on the river - that heavy equipment will be moving in the area, and debris will be present, although some of it will not be immediately visible.

Doherty said construction will have a big impact, and it is important to be sensitive to the landowners and recreationists.

*Action on Motion: Motion carried. Four in favor – one opposed. (Workman opposed).*

**8. Bearmouth Fishing Access Site – Region 2 – Final. Chris Hunter, FWP Fisheries Division Administrator,** explained that Stimson Lumber Company would like to donate 9.5 acres of land on the upper Clark Fork River in Granite County to FWP for use as a public fishing access site. The public has been allowed to use this area, known as the Bearmouth FAS, by way of a Montana Department of Transportation (MDT) easement. MDT presently leases a small portion of this site from Stimson Lumber for a maintenance facility, so if FWP accepts the donation, the two agencies will need to renegotiate the lease.

The environmental assessment generated three comments. Two were from MDT relative to retaining their existing lease, and the third suggested that MDT move their Bearmouth Rest Area five miles to the west and simultaneously develop a fishing access site.

*Action: Workman moved and Brenden seconded the motion to authorize the Department to accept transfer of ownership of 9.49 acres from Stimson Lumber Company for development of a fishing access site. Motion carried.*

**9. Delegation of Authority to Close Waters Affected by Drought for Fishing - Final. Chris Hunter, FWP Fisheries Division Administrator,** explained that drought conditions and high water temperatures can result in closing waters to fishing, and when the need to close waters becomes evident, it needs to happen rapidly. For the past four years, in order to expedite the closure process, the Commission has delegated the authority for emergency closure of waters for fishing to the Director and to the Commissioner in whose region the water body is located.

Hunter noted that there has been discussion on proceeding with an ARM rule process to make this emergency delegation permanent rather than an annual decision.

Brenden suggested making it consistent with the other rules that state that if the commissioner from the affected region is not available, then to involve another commissioner.

Workman asked if, for example, he does not agree with staff's recommendation to close a body of water, is there a provision to override his decision. He questioned if this needs to be included in this action.

Colton questioned how quickly the Commission can close the waters – is there a minimum requirement for notice. Although he wishes to be accommodating to the public, waiting those extra hours can make a difference in critical situations. If there are no minimum notice requirements, he asked that some be established through the rulemaking process.

Lane said under the Commission authority, 12-hours notice must be given for a closure – that is the minimum.

Colton said voluntary closures do not work. He said in his district they will either be closed or open. Mulligan added that he does not see any justification in making closures voluntary, they should be mandatory across the board. He asked what can be done to remove the voluntary closure clause and make it mandatory.

Hunter said the closure notice is a Department policy, so it can be changed, and because during the last conference call a motion was made directing FWP that there will be no more voluntary closures, he has already notified all of the fish managers of that directive. As it is a policy change, it will remain in effect – it is not just for the rest of this year.

*Action: Brenden moved and Colton seconded the motion to delegate the authority to the Director and the Commissioner in whose district the water is located to close waters to fishing in compliance with the Drought Closure Policy during 2006, and if the Commissioner in the affected district is not available, then delegate authority to another commissioner. Motion carried.*

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Hagener stated that due to drought and fire closure issues, the Commissioners will no doubt receive inquiries as to whether or not FWP will close hunting seasons or delay opening dates. He said with the opening of antelope season on August 15, and the opening of some other species on September 1, this will be an issue with conditions as they are. FWP's position is to stand by what the Commission did in 2000 and 2003, which is not to close the hunting seasons because of fire. Closure will be left up to the Northern Rockies Coordinating Group in the individual counties.

Mulligan added that the rationale for doing it this way is because when prior Commissions had closed the hunting seasons, the campers, hikers, horseback riders, etc were still able to use the land. Whoever is responsible for the land should make the closure decisions.

**10. 2007 Fishing Regulations – Tentative. Karen Zackheim, FWP Fisheries Division Operations Bureau Chief**, explained that major fishing regulation changes are made every four years, and this is the last year of that 4-year time period. The interim years primarily address regulation clarifications and corrections and any necessary conservation issues.

Zackheim outlined the proposed changes. Note: new language is in italics.

## WESTERN DISTRICT

### Region 1:

#### *CHANGE - Flathead Lake (Page 30)*

- *Lake trout: 50 ~~20~~ daily and in possession, only 1 over 36", and all fish from 30 to 36 inches must be released.*

*The Flathead Lake fishery is being managed under a Fisheries Co-management Plan, 2000-2010, developed and adopted with the Confederated Salish and Kootenai Tribe. The goal is to improve westslope cutthroat and bull trout abundance by reducing lake trout abundance through sport harvest. Increasing the daily bag limit from 20 fish to 50 fish will allow fishery managers to measure the impact of increased lake trout harvest on all 3 fisheries.*

#### *NEW – Horseshoe Lake (Thompson Chain of Lakes) (Page 32)*

- *1 tiger muskellunge daily and in possession, must be over 40 inches.*

Tiger muskellunge have just recently been stocked in Horseshoe Lake. This regulation will protect the young fish from harvest and will help achieve the goal to maximize biological control of nongame fish and establish a trophy fishery for tiger muskellunge in this lake. There will continue to be no limit on tiger muskellunge throughout the rest of the Western Fishing District.

#### *POSSIBLE CHANGE – Bull Trout Permit and Special Regulations (Pages 6, 32, 33 & 37)*

Regulations for Hungry Horse Reservoir, Lake Koocanusa and part of the South Fork Flathead River that allow catch-and-release fishing for bull trout and some limited harvest are subject to annual negotiation and approval from the US Fish and Wildlife Service. These negotiations will not be completed until early fall 2006.

### Region 2:

#### *NEW- Silver's Lagoon (McCormick Park Pond)*

- Open to fishing for anglers 14 years of age and younger.
- Open April 1 through October 30.
- *3 fish daily and in possession.*

This is a renovated pond that has been improved to provide new opportunities for children's fishing.

#### *CHANGE- Kids Pond at Warm Springs Wildlife Management Area headquarters (Page 40)*

- *Open entire year.*

This change is necessary to make it clear that this pond is open to fishing by anglers 14 years of age and younger all year because it is not part of the Warm Springs Wildlife Management Area. Ponds within the Warm Springs Wildlife Management Area are only open from August 15 through September 30.

## CENTRAL DISTRICT

No changes proposed.

## EASTERN DISTRICT

### Regions 6 & 7:

#### CHANGE – SNAGGING, Eastern District Standard Regulations (Page 77)

Snagging nongame fish is allowed on all open waters in the Eastern Fishing District except on the Missouri River downstream from Fort Benton to the North Dakota border and on the Yellowstone River downstream from the mouth of the Bighorn River, *where only paddlefish may be snagged by anglers with a valid paddlefish tag. All waters open to angling are open to snagging paddlefish during the open paddlefish season by anglers with a valid tag.* Snagging chinook salmon is allowed on Fort Peck Reservoir from October 1 through November 30.

#### CHANGE - PADDLEFISH REGULATIONS (Pages 86, 81, 82, and 84)

##### General Paddlefish Regulations for ALL Areas

- **Daily and Possession Limits:** *Each angler may purchase one paddlefish tag ~~a total of 2~~ and may possess 1 paddlefish per season. Anglers must have a valid tag for the specific water they are fishing to harvest a paddlefish and must have a fishing license showing a paddlefish tag purchase in order to fish for paddlefish on catch-and-release fishing days. Anglers have a choice of which one tag to purchase:*
  - ~~up to 2~~ 1 paddlefish from the upper Missouri River upstream of Fort Peck Dam, white tag required, or
  - 1 paddlefish on the Yellowstone River or the lower Missouri River downstream from Fort Peck Dam, yellow tag required, or
  - 1 paddlefish from the Dredge Cuts west of Park Grove Bridge and Nelson Dredge on the lower Missouri River, blue tag required.

All paddlefish anglers, regardless of age, must purchase the appropriate prerequisite conservation license, fishing license and paddlefish tag (see License Requirements, Page 6). All licenses must be in the angler's immediate possession while fishing. It is illegal to loan tags or to use another angler's tag.
- *On paddlefish catch-and-release days (Sundays, Mondays and Thursdays) during the open paddlefish season, all fish snagged must be released. A fishing license showing purchase of a current year paddlefish tag must be in possession. It is unlawful to tag/harvest a paddlefish on catch-and-release days.*
- *On paddlefish harvest days (Tuesdays, Wednesdays, Fridays and Saturdays) during the open paddlefish season, anglers must tag a paddlefish immediately when they land it. A valid, unused paddlefish tag is required to snag for paddlefish on these days. It is unlawful to release snagged paddlefish except on catch-and-release days.*
- *Each angler must cast for, hook and reel in his or her own paddlefish. It is unlawful for another person to do so. Gaffs, no longer than 1½ yards in length, may be used to land a fish on harvest days (Tuesdays, Wednesdays, Fridays and Saturdays).*
- *It is unlawful to possess an untagged paddlefish or a part of one. If anglers cut up a paddlefish, they must keep the part of the back and dorsal fin (back fin) where the tag is attached/sealed to the fish. Tags must remain with processed fish until consumed.*

- Any tag locked shut prior to attachment to a paddlefish shall be void. Any altered or modified tag shall be void. **Voided tags are not replaceable.**
- The Montana nonprofit corporation designated to accept paddlefish egg donations for the caviar market is authorized to transport lawfully taken and tagged paddlefish donated by anglers in accordance with guidelines developed and implemented through an annual MOU. Paddlefish taken on the Yellowstone River between the Burlington Northern Railroad Bridge at Glendive and the North Dakota state line, and donated by anglers at the Intake FAS or at the Sidney Bridge FAS, are eligible for transport by authorized individuals.

#### **Upper Missouri River (upstream from Fort Peck Dam to Fort Benton)**

- Paddlefish snagging: open entire year *from 6 AM to 9 PM daily. Unused Upper Missouri River tag (white) is required on harvest days (T, W, F & Sat.).*
- *Catch-and-release for paddlefish is allowed on Sunday, Monday and Thursday during the paddlefish season.*
- It is illegal to snag for ~~nongame~~ fish *other than paddlefish on the Missouri River* downstream from Fort Benton.

#### **Lower Missouri River (downstream from Fort Peck Dam) and the Yellowstone River**

- The paddlefish fishery is managed under a harvest target in conjunction with North Dakota. Montana has set regulations so that annual harvest will not exceed 1000 fish. FWP may close the season within ~~48~~ *24 hours notice*, if it appears that the harvest target may otherwise be significantly exceeded, *and/or immediately at Intake when 800 fish have been harvested at Intake. Catch-and-release would continue to be allowed through June 30 on Sundays, Mondays and Thursdays. Call the Miles City FWP office at 406-234-0900 for current information on harvest/season status.*
- Paddlefish snagging: open May 15 through June 30 *from 6 AM to 9 PM daily or until closed by FWP. Unused Yellowstone River/Lower Missouri River tag (yellow) is required on harvest days (T, W, F & Sat.).*
- It is illegal to snag for ~~nongame~~ fish, *other than paddlefish*, downstream from the mouth of the Bighorn River on the Yellowstone River, or downstream from Fort Peck Dam on the Missouri River.

#### **Fort Peck Dredge Cuts (west of Park Grove Bridge and Nelson Dredge)**

- *Bow and Arrow: Dredge Cuts open July 15 through August 31st for paddlefish. Unused Fort Peck Dredge Cuts tag (blue) required.*
- It is illegal to snag for ~~nongame~~ fish *other than paddlefish on the Missouri River* downstream from Fort Benton.

Population estimates for paddlefish indicate a decline over the last few years that is a concern for this long-lived fishery. Recruitment has been limited for the past decade because of drought, and current harvest rates cannot be sustained with the current population. For conservation of this species, it is necessary to further reduce harvest by imposing a one-fish-per-angler limit, reducing the number of days available to anglers for harvesting paddlefish and increasing the opportunity for catch-and-release snagging for paddlefish.

CHANGE - Live Bait (Page 78)

- Live bait fish may not be imported into Montana without authorization from FWP. ~~except by permit for use in the Tongue River Reservoir. Bait fish collected in the Tongue River drainage of Wyoming may be imported under a permit issued by FWP. For a permit, contact the FWP Fisheries Division at Box 1630, Miles City MT 59301 or call (406)234-0914.~~

*The current regulations for bait importation on the Tongue River Reservoir allow Wyoming anglers to bring bait species from the Tongue River drainage in Wyoming into only the Tongue River Drainage in Montana. Wyoming anglers must phone the Region 7 administrative office to receive a free permit. Wyoming anglers may not transport the same bait fish back into Wyoming once their day at the Tongue Reservoir is finished due to Wyoming Game and Fish regulations on importation.*

The Wyoming Game and Fish Department has requested that we address this problem by eliminating this permit and the importation of any fish species from Wyoming into or from the Tongue River drainage. The Wyoming request, combined with the ever increasing threats from ANS, have prompted MT fish managers to propose eliminating the opportunity to bring bait species into Montana's Tongue River drainage as described above. This change will help better conserve the Tongue River Reservoir fishery.

Region 7:

*NEW - Spotted Eagle Pond*

- *5 fish total, any combination of species.*

Spotted Eagle Pond is the local urban fishery on the City limits of Miles City. The pond is a flooded borrow pit that was the donation site for materials used to build Interstate Highway 90 in the late 1950's. FWP fish biologists have been involved the past two years in augmenting fish habitat in the pond by adding Christmas tree reefs, boulder piles, sunken trees and catfish hotels (ceramic pipe). Fish populations have responded positively to the added habitat structures that have created a localized concentration of fish that anglers have discovered. The 5 fish, any species regulation allows families to continue to harvest a large variety of fish from the pond but curtails additive harvest of a limited resource.

Mulligan asked why it is unlawful to release a snagged paddlefish except on catch and release days. Zackheim replied that it is to protect the larger females - to prevent the targeting of the larger females.

**Western District**

Mulligan asked why McCormick Pond is not open all year, instead of opening on April 1 and closing October 30. Most ponds are open all year. Zackheim replied the City of Missoula specifically requested that that be the timeframe, and they did not want people on the water or ice because it is irrigation water and fluctuates, making it unstable.

Mulligan questioned if it isn't the Commission's duty to approve the introduction of new species. He said the Commission was not involved with the introduction of the Tiger Muskie. Lane replied that the Commission has delegated the authority for the introduction of several fish species to the Department. Whether or not Tiger Muskie is on the list will be looked into.



*Action: Workman moved and Mulligan seconded the motion to approve the tentative 2007 Western District fishing regulations as recommended by the Department. Motion carried.*

### **Central District**

No proposed changes.

*Action: Mulligan moved and Brenden seconded the motion to approve the tentative 2007 Central District fishing regulations as recommended by the Department. Motion carried.*

### **Eastern District**

Colton asked for explanation regarding the one paddlefish per person regulation. **Brad Schmitz, FWP Region 7 Fisheries Manager**, said there has been very little recruitment over the last 10 years - the population situation is critical. Mortality and harvest of broodstock year after year is greatly reducing populations. The lower section used to allow only one fish, but then people would move up and collect another fish. Data shows over-harvest. The Department has a responsibility to do something to sustain the population, and restriction of opportunity will assist in attaining that goal.

Schmitz said the caviar committee in Glendive is aware of the proposals, and they are in support of the changes.

Hagener said if the harvest continues as it is now, there will not be a paddlefish season in the near future. Schmitz said in the last two years the harvest target has been exceeded. Modern technology, such as cell phones and the internet, are a factor in the problem of the over-harvest situation – folks have the information and immediately are on top of the fish. Schmitz stated that Paddlefish mature at 20 years old so harvest needs to be kept conservative or the whole population could be lost.

*Action: Brenden moved and Colton seconded the motion to approve the tentative 2007 Eastern District fishing regulations as recommended by the Department. Motion carried.*

**11. Bison Regulations and Quotas – Final. Don Childress, FWP Wildlife Division Administrator**, outlined the bison regulations. No changes to the recommended quota, but changes to the regulations to encompass transportation of reproductive tissue and the reallocation of unclaimed licenses are proposed. The tentative regulations are:

*The proposed season dates are November 15 to February 15 with no more than 25 hunters during any time period with each period being no less than 7 days in length.*

*There are two separate hunting districts—HD 385 (Gardiner Basin) and HD 395 (West Yellowstone) that reflect the hunt boundaries established for the 2005-06 season. Each HD would have its own license quota and time periods. Hunters select only one HD and time period.*

*Bison licenses are proposed to increase from 50 to 100. Thirty licenses would be allocated to Gardiner Basin, and 70 would be directed to the West Yellowstone district.*

*15 cow/calf bison licenses are proposed. These would be part of the 100 total licenses.*

*Each of the eight tribes in Montana would be randomly drawn for one of the periods offering either-sex licenses. Two tribal bison licenses will be issued valid for the period drawn for each tribe. These licenses would again be the first drawn. Any unclaimed licenses would be re-allocated through the general drawing process.*

The Interagency Bison Committee expressed concern about transport of reproductive tissue, therefore changes were proposed to address that issue:

*It is unlawful to possess or transport the fetus or reproductive tissues of a bison outside the kill site. This shall not include specifically minimized tissues naturally attached to the carcass or a portion of the carcass as necessary for evidence of sex as follows:*

*Male: head with horns or penis*

*Female: head with horns or vulva*

Another change involves unclaimed licenses. FWP would like to propose to include:

*Any licenses unclaimed after October 20 will be reallocated according to FWP policy.*

Hagener said letters have been sent to the Nez Perce and Confederated Salish & Kootenai Tribes seeking information relative to their plans to harvest bison under their treaty rights. The Nez Perce have not yet replied, but the CSKT would like to meet with FWP to describe their hunt strategy.

Colton expressed concern with regard to the cow/calf population and the increasing harvest. He suggested increasing the existing proposal from 100 permits to 140 permits with 30 being cow/calf. He said this would not exceed the environmental assessment because there would still be 25 people on the ground at a time. The seasons would just be adjusted. He asked if there is a penalty for someone who shoots the wrong sex, to which Childress replied that proof of sex requirements/penalties is already in the big game regulations.

Colton's proposal:

North Side

November 15 – December 31 -- 5 either sex

January 1 – January 16 -- 5 either sex and 5 cow/calf

January 17 – January 31 -- 10 either sex and 5 cow/calf

February 1 – February 15 -- 5 either sex and 10 cow/calf

West Side

November 15 – December 31 -- 20 either sex

January 1 – January 16 -- 20 either sex and 5 cow/calf

January 17 – January 31 -- 15 either sex and 10 cow/calf

February 1 – February 15 -- 15 either sex and 10 cow/calf

*Action: Colton moved and Workman seconded the motion to approve the final 2006 Bison regulations as recommended, with the inclusion of the amendments and quota adjustments as discussed above.*

Childress said that last year thirty-nine bulls and one cow were taken - that is the impetus behind cow/calf licenses.

Brenden stated that if the Commission continues to increase the quota at this rate, it will soon reach the 250-1,000 quota he advocated two years ago.

Pat Flowers, FWP Region 3 Supervisor, said during 2003-2005, the range of bison numbers on the west side ranged from 25-57 in January, and in February there were from 42-54. On the north side there were from 5-11 in January, and anywhere from 89-130 in February. Last year there was a larger migration than has been in previous years, which provided more hunting opportunity. The majority of animals were taken on the north side.

Hagener noted that the bison that were sent to slaughter were never available in a huntable area. Those bison were on the west side of the river, which is not a hunting area, and FWP has not been able to negotiate an agreement for a hunt there. Flowers added that those are typically a different group of bison. The bison that migrate north of the Park, west of the river, are distinct from the bison that move into Bear Creek area.

Doherty reiterated that FWP was not involved in the slaughter – it was the Department of Livestock and the National Park Service.

Mulligan said the Department has never guaranteed hunts, but has worked very hard not to make tags available that are not useable.

Flowers said when the tentatives were developed, every attempt was made to take the next logical step in developing a successful hunt, and FWP felt increasing the quota to 100 permits was the next logical step. It is FWP's position that incremental increases will reveal the right harvest number over time. Conflicts in the field and/or disgruntled hunters, due to too few available animals, will provide clear feedback as to what the right number is. It was the Department's best assessment that a quota of 100 was the right increment based on experience.

Doherty said the hunter surveys from last season reflected positive experiences. He added that there was adequate personnel in the field to deal with the hunters and the media and any other issues that might have come up. A quota increase to 140, consisting mainly of cows and calves, moves toward management of bison as wildlife. He asked if the Department will be able to handle those additional tags and still provide a quality hunt. Flowers said he felt that could be accommodated, however there are a number of unknowns at this point.

Workman questioned whether the orientation sessions are needed. He said the additional workload and additional time required may overwhelm staff if they have to hold orientation sessions for 140 people.

*Action: Workman offered an amendment to the motion to not require hunters to go through orientation. Colton did not accept the amendment.*

Mulligan said hunters from the Whitehall area told him that the orientation was essential and very advantageous. He feels the orientation is necessary and beneficial.

Doherty asked for public comment.

Stephanie Seay, Buffalo Field Campaign – said the BFC opposes the hunt because the Department of Livestock has authority over the hunt. BFC is not an anti-hunting orientation, however they feel this hunt is wrong. Bison are not classified as wildlife in Montana. She said they must have year-round habitat and be allowed to recover as do other wildlife species. There is no Native American involvement in the decision making process, and these animals are sacred to them. Bison are ecologically extinct so they need year-round habitat before a hunt should be considered. Knowing the Commission will go ahead with this hunt anyway, if 140 permits are offered, it needs to be opened up for public comment. Orientation is important and must be improved. Hunters need to be educated on

bison behavior, and they need to be able to distinguish between males and females. License fees should be increased and that extra money go toward habitat for buffalo. They would like a buffer of at least a mile around Yellowstone Park. These bison belong to all of America – not just Montana – so it does matter what other states think.

Dan Brister, Buffalo Field Campaign – commented that bison are migratory, and over the last nine years, the BFC has documented the bison crossing the Yellowstone River and walking into Eagle Creek from Stevens Creek, and vice versa. He feels it is a mistake to ignore FWP's recommendation of 100, which he feels is still too high, but it is more sensible than 140 head. From the BFC's point of view, the best thing the Commission can do is to raise the number - the outrage that was demonstrated before will happen again. The number of bison in the West Yellowstone area is usually quite low, so this is setting it up so there may be many hunters waiting on the boundary for only a few animals, predominantly bulls, to come out of the Park which is moving in the right direction for a public relations nightmare. Brister said the hunting orientation is necessary. The BFC has witnessed uneducated hunters who do not know where to aim, one of whom shot a bison many times and ended up trailing the wounded animal. There is a problem of having DOL in charge. One example was last January, when the hunt was still in season and the bison were still in the hunting zone, DOL hazed the bison onto Hebgen Lake and they fell through - two drowned. Since the comment period closed, the BFC was made aware of a study that they feel should be addressed in the decision making process of this hunt. According to the study, harvesting can increase the severity of wildlife disease epidemics. He said this study demonstrates that FWP failed to comprehensively evaluate what impact a bison hunt may have on the potential for the transmission of Brucella Abortus on Yellowstone Bison and other species, including domestic livestock. The removal of bison through hunting and management actions may increase the potential of disease transmission. Federal and state law may have been violated.

Land Tawney – said orientation is important. The cow/calf increase is a good idea, and is a step in the right direction to manage the population.

Colton said he appreciates the comments by the representatives of the BFC. He said FWP wants to proceed in the same direction as BFC. He said that although it is true that the buffalo belong to the entire nation, it is Montana's responsibility to manage them.

Doherty said he believes it would be advantageous for FWP to manage the bison as a wildlife species, however that decision must be made by the legislature. FWP has demonstrated commitment to the bison as a resource. When they are moved into the status of a big game species, their survival will be ensured.

*Action on motion: Motion carried. Four in favor – one opposed (Mulligan).*

**12. Montana Wildlife Federation Petition to Regulate ATV Use for Hunting – Tentative.** Don Childress, FWP Wildlife Division Administrator, explained that the Montana Wildlife Federation (MWF) submitted a letter requesting that the Commission implement a rule-making process to regulate the use of ATVs as a hunting technology, and include these rules in the hunting regulations. Childress noted that some of the requests in MWF's petition are outside Commission authority, and added that FWP already has some ATV regulations in place relative to hunting and the discharge of firearms.

In their petition, MWF states that ATV's used for hunting "can and has made a negative impact on our wildlife, hunting style and hunting heritage." Four specific recommendations were made by MWF that they feel will mitigate the negative impacts from improper use of ATVs while hunting. They are as follows (FWP's responses in italics and parenthesis.).

1) On public land and off roads available to full-sized vehicles, limit ATV use during the hunting season only to retrieval of big game. (*Statutes and Federal travel management plans are already in place. Additional control would require legislation potentially limited by jurisdictional authority of Federal land management agencies*).

2). All ATVs used for public land hunting be registered as a motor vehicle and display an oversized license plate. (*Legislation required*).

3). Amend current Hunter Harassment Law to add language and penalties for violations involved ATVs. (*Existing statute already addresses intentional harassment*).

4). Restrict use of ATVs to same roads as full-sized vehicles during hunting season with some exceptions for game retrieval. (*Statutes and Federal travel management plans already in place. Additional control would require legislation potentially limited by jurisdictional authority of Federal land management agencies*).

Childress said FWP has not had the opportunity to fully research the impacts, costs, necessary manpower, etc. that would be associated with this proposal, therefore the Department would request time to conduct a study over the next couple of months, and then present that information to the Commission in October. This will be a controversial issue involving a great deal of discussion and public involvement.

FWP has published a document, entitled *Summary of Research*, resulting from a 2006 survey of registered off-highway vehicle owners in Montana. It covers safety issues, responsible-use guidelines, OHV laws, and hunting responsibilities and regulations.

Doherty asked for public comment.

Land Tawney - said this resolution was passed at the April meeting of the MWF. The use of ATVs has increased, and there are no enforceable regulations on them. MWF is not saying there should be no ATV use in the woods, but that there is a proper place for them. Only 42% of people always follow the rules, he said. The impact on wildlife is significant, and this issue needs to be addressed now before it's too late.

Greg Munther - said that in 1993, the Hunter Advisory Council listed three main issues where hunters were having behavioral problems with other hunters, and misuse of off-highway vehicles was second to trespassing. He said ATVs have been an issue for some time, and when you combine hunters and vehicles, conflicts develop. There is nowhere for animals to go. ATV hunters are on top of the mountains at first light going up and down the ridges bugling for bulls. Non-motorized hunters are in a dilemma – they either quit hunting because they are disgusted because they have no place to go, or they buy an ATV and become part of the problem. He said the decal should be redefined so they can be read from far away so that hunters can police each other - the fear of being turned in may reduce the problems somewhat. If misuse were an FWP offense, it would be more powerful because hunters fear

losing their licenses and hunting privileges. ATVs should be limited to roads where only full sized vehicles can go. He said the privilege of using ATVs for retrieval of animals is often abused.

Corey Fisher, Hellgate Hunters and Anglers, said the four items identified by MWF are a starting point and can be expanded from. It is important to recognize the difference between general recreational ATV use and the use of ATVs as a technology for hunting. Don't confuse the two.

Joel Webster, Hellgate Hunters and Anglers, said everyone has a right to access public lands, and that includes ATVs on designated roads, however, there is the lack of ability to enforce the use of ATVs. The license issue is important to him for identification purposes.

Tim Aldrich, Hellgate Hunters and Anglers, said it is time to address the ATV issue. He has seen bad things occur in the woods through the misuse of ATVs. ATVs diminish the habitat and affect hunter opportunity. It is time to come together with other government agencies to work together on this.

Mulligan agreed there are problems. He said the BLM and USFS have not been able to manage those problems. Enforcement is an issue – for example, the Beaverhead/Deer Lodge Forest Service has only one enforcement officer, and limited part-time help in the summer. Adding ATV enforcement to FWP's wardens list of duties will impact their ability to accomplish the many other things they need to do. While he agrees things need to be done, he adamantly believes it needs to come through the legislature with money and FTEs attached. He said he is not willing to stretch FWP's enforcement staff for this issue.

Brenden asked if ATVs need to be licensed, to which he was informed that they must be if they are used on roads. He commented that if license plates were to be read from one hundred yards away, they would have to be very large. He is not against licensing, but said there needs to be common sense and self-discipline. There is never enough money or manpower to provide enforcement. Brenden stated that FWP must remain consistent with the rules between the various types of recreational vehicles, and he questioned if it is right for FWP to be responsible for federal land. Doherty said if someone hunting on Forest Service land breaks a FWP regulation, FWP enforces FWP rules and regulations on federal land.

Shane said this issue need addressed. It is a difficult problem, and although the Commission does not have authority to do some things, there may be some things that can be done. He is in favor of putting it out for discussion.

Childress said Idaho has regulations restricting ATV use. They are restricted to use on established roadways built to accommodate full-sized vehicles, they are only allowed for the retrieval of downed game, they are allowed for packing equipment in, however no hunting is allowed while packing equipment, they cannot be used for hunting, and they can only be used in certain hunting districts.

Mulligan said he is not comfortable with accepting the petition and beginning the rule-making process. He prefers to deny the petition and to direct FWP to evaluate the proposal before bringing it back to the Commission at the October meeting. Doherty stated that the Commission's areas of authority must be clearly identified.

*Action: Mulligan moved and Colton seconded the motion to deny the petition and to direct the Department to conduct a review of the ATV issue, including costs and opportunities for partnerships with federal entities, with results to be presented at the October meeting.*

Workman said that with game populations growing and hunter numbers going down, and with millions of acres to hunt and recreate on, he does not see this as the big problem as is being portrayed, but sees it as decreasing hunting opportunity.

*Action: Motion carried. Three in favor – two opposed. (Workman and Brenden).*

**13. 2006 Antelope Quotas – Final.** Jeff and Quentin. Changes to the tentatives.

Regions 1 and 2 – Antelope

No recommended changes to the tentatives.

Region 3 - Antelope

LPT 301-00: Decrease either sex antelope licenses from 75 to 40 (addition to tentatives)

LPT 330-00: Increase either sex antelope licenses from 400 to 500 (addition to tentatives).

LPT 330-10: Increase doe/fawn antelope licenses from 150 to 350 (addition to tentatives).

Region 4 - Antelope

LPT 401-10: Increase doe/fawn licenses from 200 to 300 (addition to tentatives).

LPT 404-10: Increase doe/fawn licenses from 200 to 250 (addition to tentatives).

LPT 420-10: Decrease doe/fawn licenses from 650 to 50 (addition to tentatives).

LPT 430-00: Decrease either sex antelope licenses from 300 to 175 (addition to tentatives).

LPT 430-10: Decrease doe/fawn licenses from 475 to 275 (addition to tentatives).

LPT 440-00: Increase either sex antelope licenses from 75 to 150 (addition to tentatives).

LPT 440-10: Increase doe/fawn licenses from 100 to 200 (addition to tentatives).

LPT 444-00: Increase either sex antelope licenses from 100 to 200 (addition to tentatives).

LPT 444-10: Increase doe/fawn licenses from 110 to 200 (addition to tentatives).

LPT 450-10: Decrease doe/fawn licenses from 1200 to 900 (addition to tentatives).

LPT 455-00: Increase either sex antelope licenses from 2 to 5 (addition to tentatives).

LPT 470-10: Increase doe/fawn licenses from 50 to 150 (addition to tentatives).

Region 5 - Antelope

LPT 500-30: Decrease doe/fawn licenses offered to each successful 500-00 applicant from 2 to 1 (addition to tentatives).

LPT 501-30: Decrease doe/fawn licenses offered to each successful 501-00 applicant from 2 to 1 (addition to tentatives).

LPT 514-00: Increase either sex antelope licenses from 75 to 150 (addition to tentatives).

LPT 560-00: Increase either sex antelope licenses from 1000 to 1200 (addition to tentatives)

LPT 560-30: Increase doe/fawn licenses offered to each successful 530-00 applicant from 0 to 2 (addition to tentatives).

LPT 570-30: Increase doe/fawn licenses offered to each successful 570-00 applicant from 0 to 1 (addition to tentatives).

LPT 571-00: Increase doe/fawn licenses offered to each successful 571-00 applicant from 0 to 1 (addition to tentatives).

LPT 572-00: Increase either sex antelope licenses from 250 to 350 (addition to tentatives).

Region 6 - Antelope

LPT 620-00: Increase either sex antelope licenses from 500 to 800(addition to tentatives).

Region 7 - Antelope

LPT 700-20: Increase doe/fawn licenses from 8000 to 10,000 (addition to tentatives).

*Action: Colton moved and Workman seconded the motion to approve the Regions 1 and 2 final Antelope quotas as recommended by the Department. Motion carried*

*Action: Mulligan moved and Brenden seconded the motion to approve the Region 3 final Antelope quotas as recommended by the Department. Motion carried.*

*Action: Doherty moved and Colton seconded the motion to approve the Region 4 final Antelope quotas as recommended by the Department. Motion carried.*

*Action: Colton moved and Mulligan seconded the motion to approve the Region 5 final Antelope quotas as recommended by the Department. Motion carried.*

*Action: Brenden moved and Workman seconded the motion to approve the Region 6 final Antelope quotas as recommended by the Department. Motion carried*

*Action: Colton moved and Brenden seconded the motion to approve the Region 7 final Antelope quotas as recommended by the Department. Motion carried.*

**14. 2006/2007 Furbearer Regulations and Quotas – Final.**

Changes to the tentatives are as follows.

**Statewide General Trapping**

1. Remove tentative regulation addressing snare loop size and height (adjustment to tentative).

**Statewide Furbearer**

Proposed changes to the tentatives are as follows:

1. Replace tentative Body-Gripping Ground Sets size regulation with 2004/2005 Body-Gripping Ground Set size regulation reading: ***Body-Gripping Ground Sets – On public land, ground sets using 7 x 7 inches or larger body-gripping traps must have the trigger recessed a minimum of seven (7) inches in a wood, plastic or metal enclosure or cubby that provides an opening no greater than 52 square inches*** (adjustment to tentative).
2. Modify tentative Public Trailheads setback from 1000 feet to 100 feet (adjustment to tentative).
3. Modify tentative inspection language to read: ***Inspection -- Furbearers taken must be shown to FWP enforcement for inspection when requested per MCA 87-1-502.***

**Jim Kropp, FWP Enforcement Division Administrator**, explained that the inspection language in item #3 is proposed because it parallels inspection language posted in current hunting regulations and comes from statute 87-1-502, which deals with inspection authority for game wardens to inspect game animals and furbearers. It is a clarification of what already exists.



Doherty asked why the 1,000-foot setback was reduced to 100 feet. Kujala said from review of the comments and recognizing the potential for conflicts with trappers and dog owners, and realizing that trailheads are busy, FWP saw the category of residences and campgrounds, and approached it from the standpoint of putting public trailheads on public lands into that category, which has the 1,000-foot setbacks. The diameter of the 1000-foot setback took in a lot of ground, so it was reduced. This will be watched to determine if it works or not.

*Action: Mulligan moved and Workman seconded the motion to approve the final 2006 and 2007 statewide trapping regulation and statewide furbearer regulations as recommended by the Department.*

Colton asked for clarification on the 10-day tagging requirement. Kropp explained the purpose of reporting 10 days after harvest as opposed to 10 days after the season is to maintain the integrity of the quota system, particularly on bobcats. Over the last few years FWP has documented numerous bobcats being taken before and after the season, or being killed to extend the quota to make the trapping season longer. Essentially, the quota system is being manipulated by these activities. Additionally, FWP has seen situations where bobcats skulls are collected after the season – a couple of months after they were harvested – and a stack of hides that FWP has to sort through. It is nearly impossible to tie the skulls to the hides, so the data collected is not accurate. Ten days after harvest would allow better accuracy as it will be easier to match the skulls and hides and where they were taken from. FWP has gone to 10-days after harvest reporting requirements across the board. Kropp said it is important to note that FWP has been full circle on this over the last 30 years. Now due to the abuse of the system, FWP recommends the 10-days after harvest reporting requirement.

Colton asked about bobcats, what is being reported at the end of the season and if there is a spike in numbers. Kropp said the regions have documented significant spikes at the end of the season. It goes relatively even until the end of the season when there is a huge spike in quotas. Bobcats are brought in a couple of months after they have been harvested. FWP makes an effort to accommodate the distance a trapper has to travel for reporting. Biologists can also tag the bobcats. There are biologists and wardens living statewide.

Doherty said that even though a 1,000-foot setback may be a 2,000-foot radius, he feels at a public trailhead a 1,000 feet setback should be a minimum. Other people use the trailheads as well. Workman agreed, and said that he frequently uses trailheads to load and unload horses. Danger exists in these situations as well.

*Action: Workman moved to amend the motion to change the proposed 100-foot setback back to 1,000 feet setback. Doherty seconded the amendment to the motion.*

Doherty asked for public comment (only on amendment to 1,000-foot setback at trailheads).

Aaron Madsen, Montana Trapper's Association – understands that the woods he works in are used by many people, but a 1,000 foot circle at trailheads takes in a lot of land. Up the trail there are already 30-foot setbacks in place on managed trails, and although going 1,000 feet might sounds like a good idea, it limits the trappers. It is rare when the 1,000-feet setback is a problem. He does not agree with 1,000 feet - he is in favor of a smaller number.

Anja Heister, Missoula - utilizes the Bitterroot frequently, and knows the majority of people who use the trails have dogs. She does not want to put her dogs in danger of traps. She has a friend who watched her German Shepherd dog die in a connibear trap near a trailhead near Bear Creek. More people with dogs use the trails than trappers do, and she encourages the Commission to set the setback to *at least* 1,000 feet.

Don Bothwell, Kalispell – has a problem with the 1,000 setback as it excludes 72.12 acres from trapping. He uses a leash with his dogs. The time of the year when he traps nears a trailhead is usually after December 1. He does not want to see any setback at all.

Mike Dey, Montana Trapper's Association – said the 1,000-foot would shut down an entire drainage area where more than one trail meet. He has always ran dogs and has yet to lose one.

Bob Sheppard, Montana Trapper's Association – said there were roughly 3,000 licenses sold last year, and if each trapper set 10 traps, that would be over 30,000 traps, and if “10-15 incidences of dogs are getting caught, that is less than 1%, so why is this teeny-tiny-less-than-one-percent going into a regulation because of that”. If a dog goes out 1,000 feet from a campground or trailhead and gets caught, will the owner even be able to find it? If they don't have any more control of their dogs than that, what good will it do?

Andy Wesier, Montana Trapper's Association – if a dog gets in my trap 100 feet off the trailhead, he was 100 feet out of control, and it's their fault and not his.

Don Schnitzer, Montana Trapper's Association – if that much ground is closed, trappers will have to climb elevation lines. It closes off a lot of ground. The best prevention for dogs is a leash.

Stephanie Seay – said she is a hiker and walks with her dog in the woods and would never want her dog caught in a trap. It should not be so easy to trap animals. She supports the 1,000-foot setback to protect people and dogs. Let the trappers work a little harder.

Steve Lasar, Montana Trapper's Association – is against the 1,000-foot setback. If a dog is out of control, it is justifiable that it gets caught in a trap.

Mr. Knutson, Wolf Creek – empathizes with dog owners. He thinks people need to learn how to take a dog or snare off of a dog. He intentionally traps and snares his own dogs so they don't mess up his coyote traps. It is no big deal to take a dog out of a trap or snare. To limit trappers is wrong. One hundred feet is reasonable for a setback, and more than that is too much. Dog owners have a responsibility, if they are going to be out there sharing the land with trappers, to learn what they need to know to eliminate watching their dog die in a trap. Dog owners should get educated.

Tony Walters, Kalispell – said the barrier with the 72-acres of loss covers a lot of ground. He said some trappers cannot work harder. One hundred feet may or may not be enough, but 1,000 feet is too far, especially when there is snow on the ground.

Mulligan said 1,000 feet is too far. Setbacks are reasonable protection for kids and dogs. Brenden agreed. Personal responsibility and common sense is necessary. Colton agreed 1,000 feet is too far, but 100 feet is not enough. There has to be middle ground.

Workman said he is not anti-trapping, but there are millions of acres that are trappable other than near trailheads. The purpose is to protect society and pets. He said if the only place trappers put their traps is at trailheads, then maybe they *aren't* working hard enough. One thousand feet doesn't hurt anything. There are a lot of trailheads that can be utilized during the wintertime during trapping season.

*Action on the motion to designate a 1000-foot setback rather than the 100-foot setback: Motion failed. Two in favor and three opposed. (Mulligan, Brenden and Colton opposed).*

*Action: Colton moved and Mulligan seconded the motion to designate a 300-foot (100-yard) setback.*

Doherty asked for public comment on the 300-foot amendment to the motion.

A man in the audience stood up and demanded someone give him one incident of a child caught in a trap. He said kids don't crawl through snowbanks at that time of year. He said he is offended.

Anja Heister – said there will be an increase in trail use by trappers by hikers, skiers, etc in the future, so traps are a safety issue in general. She encourages that signs be posted that traps are nearby to notify the public. She asked why she and other dog owners should have to protect their dogs from traps – they are out to have exercise in the woods. Trappers need to be accountable too.

Andrew Weiser – said animals are not all over the mountainside in December – they are in the drainages. They are hunting on trails where they can get around. Setting 100-foot off makes it harder for trappers to make a catch, and setting it even further makes it harder yet.

An unidentified man in the audience said he does not see a need for a setback, so 100-feet should take care of any problems. This has been discussed in the past. He said 300 feet is a long distance, especially in snow.

*Action on motion to designate a 300-foot setback: Motion carried. Four in favor – one opposed (Brenden opposed).*

Doherty asked for comments on the motion to approve the proposed final 2006 and 2007 statewide trapping regulation and statewide furbearer regulations, which now include the amendment of the 300-foot setback.

Edward Hebbe III, Montana Trapper's Association – complained about a game warden near Deer Lodge in the past. Last year he got two bobcats. Tagging - he has no problem with calling in within 24 hours. Complained about "the lady on the phone who told him it was his responsibility to get animals tagged". He said if he has to call all over to get someone to report to, he will just throw it in the willow brush, and there would be no record of it.

A man in the audience said he has a problem with the words “recreational harvest opportunity”. Trapping is not a recreational opportunity – it is commercial. He feels he is getting “ramrodded”.

Aaron Madsen, Montana Trapper’s Association – trappers have a problem sitting down and writing comments. He understands FWP wants to get things in line with the other species reporting requirements, but those are single harvest. Some trappers trap for a living and catch numerous animals, and for them to report animals within 10 days would require a lot of travel. It is easier after the season closes to do it all at once - wardens could schedule time then. Not in favor of proposed 10-day reporting requirement.

David Vidal – does not agree with the 10-day reporting requirement because it limits opportunity. The 10-day mandatory reporting requirement conflicts with the daily checking of traps.

Steve Lasar – tagged 30 cats last year and it went quickly and easily. The spike at the end of the season is because people are checking their traps and pulling their lines. Against the reporting requirements.

Don Schnitzer, Montana Trapper’s Association – where he lives, they trap mink, muskrat and beaver in streams that run alongside the roads. The 50-foot setback would eliminate the beaver trapping along these streams. The more rules, the more lion hunters will lock it up on private ground as much access to BLM ground is through private land. Pelt tagging – leave it the way it was. He has good wardens in his area to work with. Lowering the bobcat quota from 125 to 100 in District 6 – that district has been closing faster and faster each year so he doesn’t understand why the quota is lower. He could understand it if it wasn’t closing.

Aaron Madsen - the cats are mating at the last part of the season is why there is a spike in the take.

Mulligan asked for clarification regarding the comment that trapping is not recreational, but is commercial. He thought the Commission’s responsibility was for all folks in the state, and asked if there is a special responsibility to commercial folks according to state law

Bob Lane, FWP Legal Counsel, said the Commission’s authority is to regulate hunting and fishing and trapping, and there is no distinction of whether it is recreational or commercial. It is regulated as an activity.

Doherty asked for information regarding the 50-foot setback from roadways. Kujala said the language is for ground-sets, not water-sets. Beaver is still trappable in the streams.

Brian Giddings, FWP Furbearer Coordinator, said the 50-foot setback regulation is intended for federal and state public lands - it is not intended to be along county roads or state highways. The intent is for open roads and trails on public lands, and some are confused about trails. Clarification needs to be included in the regulations, as well as informational material regarding traps. Bob Lane agreed clarification is an appropriate action, and public input is not necessary. The Commission could delegate to the department specific language clarification.

Colton commented that in his area, the harvest spikes are not due to gathering traps. The number is just too high – they triple the daily average in two days. If the 10-day pelt tagging is not adopted, it may compromise the more honest trappers because the seasons will have to be shut down earlier so there are not quota overruns. Either the 10-day pelt tagging must be utilized, or the season will be closing earlier and earlier.

Mulligan said his first and foremost concern is for the resource. Quotas are continually over-running, and things are happening in the field that are putting trapping at risk. There is the same problem with lion hunting. There is always the option to get rid of the 10-day or 24-hour call-in rules and go to permits. Quotas cannot continue to overrun. Mulligan said he cannot remember when the Commission has ever taken anything away from trapping. He feels these proposals are the best for the trapping industry.

*Action on motion: Motion carried. Four in favor – one opposed (Brenden opposed).*

*Action: Mulligan moved and Workman seconded the motion to delegate to the Department the language to insure that the public lands, roads, and trails setbacks are clear. The language would be: ground sets, including snares require a 50-foot setback along open roads and hiking trails on federal and state lands that are designated by administrative signs or numbers. Motion carried – four in favor – one opposed (Brenden opposed).*

**15. Early Season Migratory Bird Regulations – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, presented the proposed final regulations.**

No proposed changes to the tentatives.

*Action: Workman moved and Mulligan seconded the motion to approve the final Early Season Migratory Bird Regulations as recommended by the Department. Motion carried.*

**16. 2006/2007 Late Season Waterfowl Seasons/Closures – Tentative.**

Changes to the Late Season Migratory Bird Seasons/Closures as follows:

1. Special Statewide Two-Day Youth Waterfowl Season Dates: September 23-24, 2006
2. Pacific Flyway Duck (to include Canvasbacks), Goose and Coot Season Dates: September 30, 2006 – January 12, 2007
3. Canyon Ferry noon closure for Duck, Goose and Coot: September 30, 2006 – October 6, 2006.
4. Pacific Flyway Swan Season Dates (special permit only—unchanged quota of 500): October 14, 2006 – December 1, 2006
5. Pacific Flyway Falconry Season Dates for Duck, Goose and Coot: September 30, 2006 – January 12, 2007
6. Pacific Flyway Duck, Goose, Coot, Swan and Falconry Bag and Possession limits unchanged.
7. Central Flyway Zone 1 and Zone 2 Duck and Coot Season Dates: September 30, 2006 – January 4, 2007 except for Pintails and Canvasbacks which shall be open during the two-day Youth Waterfowl Season (9/23-9/24) and thereafter from September 30, 2006 – November 7, 2006
8. Central Flyway Goose Season Dates: September 30, 2006 – January 12, 2007.
9. Central Flyway Swan Season Dates (special permit only—unchanged quota of 500): September 30, 2006 – January 4, 2007
10. Central Flyway Falconry Season Dates for Duck and Coot: September 21, 2006 – January 5, 2007

11. Central Flyway Falconry Season Dates for Goose: September 30, 2006 – January 12, 2007
12. Central Flyway Duck, Goose, Coot, Swan and Falconry Bag and Possession limits unchanged.
13. Statewide Snipe and Sandhill Crane Season Dates, Bag and Possession limits unchanged from adopted early season migratory bird regulations.
14. Eliminate waterfowl hunting closure on North Chinook Reservoir north of Chinook in Blaine County.

*Action: Brenden moved and Colton seconded the motion to approve the tentative 2006/2007 Late Season Waterfowl Seasons / Closures as recommended by the Department. Motion carried.*

**17. Confederated Salish and Kootenai Tribes Upland Game Bird Regulations Final.** The Confederated Salish and Kootenai Tribes and FWP have entered into a cooperative management agreement on the Flathead Reservation to develop tribal upland game bird regulations. The recommendations are reviewed and approved by the Flathead Reservation Fish and Wildlife Board, and then presented to the FWP Commission for approval.

The differences between the Tribal regulations and the current FWP upland bird regulations are season dates for Hungarian Partridge and Pheasant (the tribal seasons close December 15) and shooting hours (tribal regulations use sunrise to sunset). Also, tribal regulations limit hunters to only three shells in the gun and non-toxic shot only.

*Action: Workman moved and Mulligan seconded the motion to approve the final CS&KT Upland Game Bird regulations pending Tribal Council approval. Motion carried.*

**18. Selection of Organization to Auction Moose, Sheep, Goat, Deer & Elk Licenses – Final.** The Commission annually adopts rules establishing the criteria and process for selecting conservation organizations to conduct auctions/lotteries for the various species. Once the rules are adopted, the department then solicits proposals to conduct the auctions/lotteries as described.

This year there were proposals from Rocky Mountain Elk Foundation, the Mule Deer Foundation, and the Foundation for North American Wild Sheep. Boone & Crockett did not apply.

*Action: Colton moved and Workman seconded the motion to approve the following organizations for the auction of Moose, Sheep, and Goat licenses, and the auction/lottery of the Deer and Elk licenses.*

*Rocky Mountain Elk Foundation – Elk and Goat Licenses*

*Mule Deer Foundation – Mule Deer License*

*FNAWS – Bighorn Sheep and Moose Licenses*

*Motion carried.*

**19. Bison Quarantine Facility Lease – Final. Keith Aune, FWP Wildlife Division Research Chief,** explained that Fish, Wildlife & Parks is seeking to lease two pastures in the upper Yellowstone Valley from the Slip ‘n’ Slide Ranch to use as a quarantine facility for bison. The proposed lease is a key element for Phases I and II of the Bison Quarantine Feasibility Study, a joint project of FWP and the federal Animal and Plant Health Inspection Service (APHIS) under the Interagency Bison Management Plan (IBMP) for the Yellowstone National Park bison herd. The lease will allow researchers to determine whether bison that test negative for brucellosis will stay negative through a period of years. Success in this research effort could lead to an ability to relocate surplus bison from

the Yellowstone area to other bison herds outside of the region, thus providing an additional population management tool for Yellowstone bison without increasing the risk of brucellosis transmission to cattle. The quarantine study is expected to run for a period of four to six years.

The landowner will be paid \$50,000 per year for the lease, with funding provided by an existing federal appropriation. After initial screening of the original one hundred three bison calves, 96 were determined suitable for participation in the program. These were then tested a second time in June, after which half of them went to slaughter.

Aune said the goal is to bring live bison out of Yellowstone Park, capture that gene, and place it in conservation. Only four herds in North America are known to not have cattle genes and the Yellowstone Park herd is one of them. Capturing the genes from this herd is important. There are several parties interested in the transplant of the disease-free herds.

The Environmental Assessment on Phases I and II was released in December 2005. The comment period, ending February 27, 2006, generated over 200 comments of mixed opinions.

Certain diseases are transmitted year-round, but brucellosis is different in its transmission. It is a reproductive disease, and during the hunting period, the transmission is not a worry.

*Action: Colton moved and Brenden seconded the motion to authorize the Department to enter into a four-year lease agreement, with an option to renew, with the owners of the Slip 'n Slide Ranch for the purpose of developing and operating a bison quarantine facility, as provided for in the FWP/APHIS Decision Notice for the Phase II/III Bison Quarantine Feasibility Study.*

Doherty asked for public comment.

Stephanie Seay, Buffalo Field Campaign, said the quarantine proposal was not supported at meetings she attended. Wildlife should not be quarantined and handled like livestock. 48 head were killed and did not have brucellosis. People can eat the meat infected with brucellosis. The lease area is in the middle of the corridor. Spend the money developing a vaccine that will help cattle.

*Action on motion: Motion carried.*

**20. Access Corridors in Region 3 and Region 7 – Endorsement.** Alan Charles, FWP Landowner Sportsman Coordinator, explained that FWP submitted two applications and received approval for grant funding from the Montana Fish and Wildlife Conservation Trust (Canyon Ferry Trust) to obtain Forest Service permanent public access easements across private land to National Forest Lands in Region 3 and 7. The U.S. Forest Service will hold both easements and provide for future maintenance.

The Lost Creek Project in Region 3 will secure permanent public road access to more than 6,000 acres of National Forest and Bureau of Land Management Land in the East Pioneer Mountains north of Dillon, Montana. The project includes relocating the Lost Creek Road out of the drainage to prevent further resource damage to the riparian zone. The requested grant funding for this proposal is \$30,000

The Beaver Creek Road Project in Region 7 will secure permanent public access to over 19 sections of National Forest lands within the Ashland District of the Custer National Forest, south and west of Miles City. The requested grant funding for this proposal is \$18,000.

These two projects will be an enhancement to hunting access program in addition to block management. Securing permanent corridors to federal land are valuable.

Mulligan said to make sure what the county involvement would be. Charles said there is a lot to learn and work out.

*Action: Mulligan moved and Colton seconded the motion to endorse the Department moving forward to secure Forest Service permanent public access to National Forest Lands in the Lost Creek and Beaver Creek Road areas of Regions 3 & 7. Motion carried.*

**20. Public Opportunity to Address Issues Not Discussed at this Meeting.**

Jack Reneau narrated a power point presentation on youth hunting. The number of youth hunters has decreased. The age limit is 12 and he would like to see it lowered. By the time youth are 12, they are involved in other activities. Influencing kids at a younger age may keep retention rates higher.

*Action: Mulligan moved and Colton seconded the motion to adjourn the meeting. Motion carried.*

Meeting adjourned at 2:55 p.m.

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Steve Doherty, Chairman

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M. Jeff Hagener, Director